

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

JAIMIE RAGER, Mother, Guardian)
And Next Friend of GC, a minor,)
)
Plaintiff,)
)
v.) No.: 1:19-cv-42-TAV-SKL
)
MCMINN COUNTY, TENNESSEE,)
)
Defendant.)

ORDER

This civil matter is before the Court on plaintiff's second motion for continuance of trial [Doc. 81], plaintiff's motion to substitute party [Doc. 83], and plaintiff's conditional motion for dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) [Doc. 85]. Defendant filed responses initially opposing the motions [Docs. 82, 84, 90]. On August 20, 2024, the parties appeared before the undersigned for the final pretrial conference in advance of the trial set for August 27, 2024, presented argument on the pending motions, and arrived at a consensus with respect to key issues presented in the motions.

After an answer or summary judgment motion has been filed, "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2). District courts may impose whatever terms or conditions they consider necessary "to offset the prejudice the defendant may suffer from a dismissal

without prejudice.” *Bridgeport Music, Inc. v. Universal-MCA Music Pub., Inc.*, 583 F.3d 948, 954 (6th Cir. 2009).

Upon considering the arguments of the parties, and in light of the lack of opposition at the final pretrial conference, plaintiff’s motion for a continuance of trial [Doc. 81] is **DENIED**, and plaintiff’s motion to substitute party [Doc. 83] is **GRANTED**. Accordingly, plaintiff’s motion for voluntary dismissal pursuant to Rule 41(a)(2) [Doc. 85] is **GRANTED**, with the following conditions:

1. Should plaintiff decide to refile this case, the only claim that plaintiff may bring is the single claim that currently remains in this lawsuit: plaintiff’s *Monell* claim against defendant McMinn County. Plaintiff may not bring additional claims against defendant McMinn County or any new claims against previously dismissed defendants or new defendants; and

2. If plaintiff decides to refile this case, the new case shall be deemed a related case under this Court’s local rules, *see* E.D. Tenn. L.R. 3.2, and assigned to the same district judge.

In light of the above, plaintiff’s *Monell* claim against defendant is hereby **DISMISSED without prejudice**. With no claims left to adjudicate in this matter, the Clerk of Court is **DIRECTED** to **CLOSE** this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE